

Remarks

In the Office Action of February 13, 2006, it has been brought to Applicants' attention that the information disclosure statement filed on 7/25/05 fails to comply with 37 CFR 1 .98(a)(2), which requires a legible copy of each cited foreign patent document. Also, according to the Examiner the oath or declaration filed on 8/29/05 is defective because the filing date of "July 28, 2003" referred to in the oath/declaration is incorrect. The specification is objected to as missing a summary section; and Claims 1-18 are rejected under 35 U.S.C § 103. Applicants respectfully traverse the rejections and each of these matters is addressed separately below.

Information Disclosure Statement

An information disclosure statement is filed herewith and includes a legible copy of the foreign patent reference previously submitted in an information disclosure statement on 7/25/05.

Oath/Declaration

The oath or declaration filed on 8/29/05 is defective according to the Examiner. While Applicants submit that the oath or declaration filed on that date properly identifies the application pursuant to 37 CFR 1.63(b)(1) by the correct application number and title, a new oath or declaration is filed herewith to correct the filing date, per Examiner's request.

Specification

The specification was objected to as lacking a summary. Applicants note that, according to M.P.E.P. § 608.01 and CFR § 1.71, the specification must include a written description that is required to be in such full, clear, and concise, and exact terms as to enable any person skilled in the art to which the invention appertains, to make and use the same. An applicant is given some leeway as to the manner in which the invention is described to fulfill this requirement.

Applicants note that, while the M.P.E.P. provides a recommended set of sections that could be used in a written specification, the M.P.E.P. does not mandate an applicant to use a summary section. Applicants agree with Examiner that if one elects to include a

summary section, that applicant should use the recommended guidelines provided in M.P.E.P. 608.01(d), as to the content of the summary section. Applicants also note that it is a common practice of many practitioners not to include a summary section. For the reason that a summary is only recommended and not mandatory, Applicants respectfully request the removal of this objection.

Substance of the Interview

Applicants thank the Examiner for the opportunity to discuss the features and benefits of the presently claimed invention during a teleconference held on March 31, 2006 between the Examiner and Mark Triplett. The participants discussed the prior art, including those references cited by the Office in rejecting the claims and discussed distinguishing features of the independent claims, including the distinguishing features presented in this response.

Claim Rejections - 35 USC § 103

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0120551 A1 (Jones) and U. S. Patent No. 5,598,183 (Robertson).

Jones relates to a visual-kinesthetic system for trading securities. Jones discloses the use of a stylus to touch locations on the screen in relation to a chart. Particularly, Jones discloses using the stylus to set various order parameters (Figures 5A – 5D of Jones). For example, to set the price order parameter, with the stylus, the user must select the price that correlates to the prices along the axis. While Jones teaches updating the actual plot of the market – as the market price changes – Jones does not disclose if the prices along the price axis move or remain still as the market changes. Regardless of the operation of the price axis, Jones utilizes a rather conventional way to set a price order parameter and either way, Jones practices only what is already available in the prior art – i.e., setting a price order parameter by selection of a price on a screen (Figure 5C).

Robertson relates to a system and method for computer cursor control. The Robertson system “automatically positions a cursor at predetermined locations on a computer visual display in response to user commands.” (Col. 3, lines 30 – 33.) The Robertson system can position the cursor in a new predetermined location on the

computer display “each time that a window is opened or closed.” (Col. 3, line 35.) So, if the user “selects a command that alters the contents of the display,” such as opening a new window, the system analyzes the new screen display and determines whether there are user selectable options associated with the new screen display. (Abstract.) If the new screen display is an application program, the system attempts to locate a user selectable option and repositions the cursor at the user selectable option. Id. When the new window is closed, the system returns the cursor to the position it was at before the new window was opened. Id.

Applicant’s presently pending independent Claim 1 calls for “identifying a cursor at a first location in a display region....” The “first location” being associated with a “first portion of market information for a tradeable object....” Claim 1 also calls for receiving a signal and in response to the signal “updating the display by automatically moving the cursor to a second location associated with “the first portion of market information,” the cursor being moved “together with the first portion of market information.” Applicants’ independent Claim 18 relates to a system that has limitations which mirror the limitations found in Claim 1 and is patentable for at least the same reasons that Claim 1 is patentable.

An illustrative example is provided in Applicant’s specification with respect to the trading screen shown in Figs. 6 and 7. Fig. 6 shows a cursor at a first location (e.g., an x, y coordinate) that corresponds to a price of “143.” A display like Fig. 6 “allows a trader to enter orders directly into the window by selecting a price cell that is situated along the command axis, for example.” (See, e.g., page 17, lines 4-5.) So, in this example, the “selected price would equal a price of ‘143.’” (Page 17, line 7.) Fig. 7 shows the same screen, except some time later when the inside market prices from the exchange changed and the trading application repositions the market information on the display to keep the inside market near the center of the window. In doing so, price “143” has moved to a different location. The cursor is also moved to a second location along with the market information. So, if the trader selects “143,” even during the screen update, the price of the order will be set to “143” and not another price. Another illustrative example, using a dynamic type of screen, is provided with respect to Figs. 8

and 9.

Neither Jones nor Robertson provide such an advantage for at least the reasons set forth below. Jones uses a stylus to set order parameters like price and quantity (e.g., Figs. 5(a) to 5(d) in Jones). And with respect to setting order parameters, Jones practices what is already available in the prior art (e.g., setting a price order parameter by selecting a price on the screen as done in Jones is not new) and does not teach the limitations set forth in Applicants' presently claimed invention. (The Examiner has stated on page 5 of the Office Action that "Jones does not disclose automatically moving the cursor to a second location associated with the first portion of market information, the cursor being moved together with the first portion of market information.") Applicants further submit that Robertson does not teach the limitations missing in Jones either. For example, Robertson does not teach moving a cursor from a "first location" that is associated with "a first portion of market information" to a "second location" that is associated with *the same* "first portion of market information," as called for in Claim 1. Robertson also does not teach "the cursor being moved together with the first portion of market information," as called for in Claim 1.

Indeed, according to Robertson the cursor is being moved to a location that is associated with something that is entirely different than the location from which it came. For example, Fig. 3A of Robertson shows the arrow at a location associated with "FILE," and when a new menu is drawn on the display, the cursor moves to a location associated with "NEW." Then, in Fig. 3C, the cursor is moved to another location that is now associated with "CLOSE," whereas in Fig. 3D, the cursor is moved to a location that is now associated with "YES." Thus, Robertson is fundamentally different from Applicant's presently claimed invention.

Moreover, there is no motivation or suggestion to combine the two references and also modify them to arrive at Applicants' presently claimed invention, without the use of hindsight (for at least the reasons shown above, the combination of the references would still not work to render Applicant's presently claimed invention obvious). Applicants respectfully submit that Jones' system is directed towards a whole visual-kinesthetic

system and the order entry aspect of it simply uses the touch of a price on the plot to set a price for an order; setting an order price by clicking on a location associated with a price is not new. Jones does not provide any motivation or desirability to depart from the Jones' particular way of order entry (which requires the use of the stylus). And, even if such motivation is present, which it is not, the principle operation of Robertson would have to be entirely modified, which is impermissible. MPEP 2143.01.

Additionally, while Applicants respectfully submit that the combination of Jones and Robertson do not make the presently claimed invention obvious, one of ordinary skill would have very little, if any, motivation to even consider the Robertson reference. Indeed, Applicants question whether one of ordinary skill would look to Robertson as analogous art. Applicants respectfully submit that nothing in Jones would lead one of ordinary skill to the Robertson reference, without the use of hindsight. As stated above, Jones is simply practicing a technique of setting order parameters known in the art for many years. And, even if Jones was practicing a new technique, it is Applicants' belief that Jones still does not provide any teaching, suggestion, or motivation that would lead one of ordinary skill to the Robertson reference or to make the purported combination. Indeed, a conventional answer to Applicants' problem (which, by the way, was not disclosed in Jones) is entering the desired price in an order entry ticket, which can be changed before an order is actually submitted to the exchange, and has been practiced in the art of trading screens for decades; it is still being practiced today. Thus, contrary to the Examiner's suggestion, without more evidence, a trader's desire to choose a correct order price would not motivate one of ordinary skill to leave convention and seek out the teachings of Robertson. However, even if Robertson could be considered analogous, as previously stated Robertson's fundamental operation is entirely different than Applicants' presently claimed invention, and thus would still not render Applicants' claimed invention obvious.

Independent Claim 13 provides another method embodiment that calls for "identifying a cursor at a first location in a display region," the first location being associated with "a particular price" to buy or sell a tradeable object, the price being displayed along an axis of prices; and receiving a signal, and in response to the signal,

updating the display region by “automatically moving the cursor to a second location associated with the particular price,” the cursor being moved in parallel and in unison with the movement of the price along the axis of prices. Independent Claim 13 is patentable for at least the same reasons provided above with respect to Claim 1.

Additionally, the Jones/Robertson references do not teach the limitation of moving a cursor from a first location (being associated with a particular price) to a second location (being associated with the particular price).

Dependent Claims 2-12 and 14-17 are patentable for at least the same reasons that the independent claim from which they depend are patentable. Applicants’ also submit that each of these dependent claims provide additional limitations from the claim(s) in which they depend, and they are patentable for their own reasons.

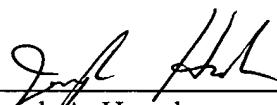
Conclusion

It is respectfully submitted that Applicants have addressed Examiner’s rejections and objects. It is therefore respectfully submitted that Claims 1-18 are in condition of allowance, and Applicant respectfully requests favorable reconsideration. If Examiner believes that further dialog would expedite consideration of the application, Examiner is invited to contact Mark Triplett at (312) 476-1151 or the undersigned attorney/agent.

Respectfully submitted,

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